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RECENT DEVELOPMENT

KRANZ V. STATE: DEFENDANT’S COMPLETION OF SENTENCE AND RELEASE FROM CUSTODY DID NOT DIVEST COURT’S JURISDICTION OVER A POST-CONVICTION PETITION NOR RENDER THE APPEAL MOOT.

By: Abigail Mansfield

The Court of Appeals of Maryland held that jurisdiction is preserved throughout the entire consideration of a timely-filed petition for post-conviction relief, and will not be defeated despite defendant’s subsequent release from custody prior to the completion of any appellate review. *Kranz v. State*, 459 Md. 456, 479, 187 A.3d 66, 79 (2018). As a result of this holding, the court overruled the Court of Special Appeals’ decision in *Obomighie v. State*, 170 Md. App. 708, 908 A.2d 132 (2006). *Id.* at 479, 480, 187 A.3d at 80. Additionally, the court held a petitioner’s claim for post-conviction relief is not rendered moot once he is no longer in custody, if the conviction results in significant collateral consequences in the form of substantial civil penalties. *Id.* at 473, 187 A.3d at 76.

In 2009, at the conclusion of a jury trial, William Kranz (“Kranz”) was convicted of certain crimes and sentenced to a period of imprisonment and subsequent probation. In 2013, after exhausting all avenues for post-conviction relief, Kranz filed an application for leave to appeal. In April of 2015, while his post-conviction petition was still pending, Kranz completed his sentence, including his probationary period.

In 2016, the Court of Special Appeals granted Kranz’s application and placed the case on its regular appeals docket. The State filed a motion to dismiss the appeal arguing the case was moot and the court lacked jurisdiction because Kranz was no longer in custody. The Court of Special Appeals granted the State’s motion to dismiss, holding the court no longer had jurisdiction over the appeal once Kranz was released from custody. Kranz then filed a petition for a *writ of certiorari*, which the Court of Appeals of Maryland granted. The issue before the court was whether the court’s jurisdiction over a timely-filed petition for post-conviction relief is divested once the petitioner is released from custody.

The Court of Appeals of Maryland began by addressing the State’s argument that Kranz’s case was moot. *Kranz*, at 471, 187 A.3d at 74. The court briefly addressed this issue by looking to the Supreme Court’s ruling in *Cafaras v. LaVallee*, where the Court held that if a conviction results in collateral consequences in the form of civil penalties, federal habeas corpus proceedings are not necessarily rendered moot by the petitioner’s release from

custody. *Id.* at 473, 187 A.3d at 76 (citing *Cafaras v. LaVallee*, 391 U.S. 234). Here, as a result of his conviction, Kranz was disqualified from jury service, employment opportunities, and other substantial civil penalties that would continue to effect Kranz despite his release from incarceration and probation. *Kranz*, at 473, 187 A.3d at 76. Therefore, due to the significant collateral consequences following Kranz's conviction, the court concluded Kranz's claim was not moot. *Id.*

Next, the court addressed the issue of jurisdiction under the Maryland Uniform Postconviction Procedure Act's ("UPPA"), MD. CODE ANN., CRIM. PRO. ("CP") § 7-101 custody requirement. *Kranz*, at 473, 187 A.3d at 76. The court relied on the rules of statutory construction to determine the proper reading of the UPPA. *Id.* at 474, 187 A.3d at 76. The State relied on the opinion of *Obomighie*, and argued that because Kranz was no longer "in custody" as required by the plain language of the UPPA, CP § 7-101, the court no longer had jurisdiction to hear the petition. *Id.* at 471, 187 A.3d at 75. The state asserted that the plain language of the UPPA CP § 7-101 requires that a person must remain in custody throughout the entirety of the proceedings, and precludes relief for those who do not remain in custody after filing. *Id.* The Court of Appeals of Maryland found that read alone, the statute would be interpreted to require the petitioner to remain in custody; however, proper statutory interpretation requires the court to look beyond the plain language of a single provision, and read the statutory scheme as a whole. *Id.* At 475, 187 A.3d at 77.

The court next interpreted the plain language of CJP §7-101 in the context of the statutory scheme to which it belongs in order to obtain the true legislative intent. *Kranz*, at 475, 187 A.3d at 77. The court explained that the custody requirement set forth in CP § 7-101 must be read in conjunction with subsections of the UPPA in order to extract the meaning of the Act as a whole. *Id.* at 476, 187 A.3d at 77. The court looked to CP § 7-102, which provides that a petitioner has the right to begin a post-conviction proceeding so long as they are in custody at the time of filing. *Id.* The court found that the more reasonable construction, in line with the legislative scheme of the UPPA, only requires the petitioner be in custody at the time of filing the petition, and not to remain in custody throughout the entirety of the proceedings. *Id.* at 476, 187 A.3d at 78. Additionally, the court stated that it would be absurd to conclude that the legislature intended to deny a petitioner the right to post-conviction relief solely because they were no longer in custody. *Id.* at 475, 187 A.3d at 77.

Ultimately, the court found that the question of jurisdiction in this case was analogous to the Supreme Court's holding in *Cafaras*. *Kranz*, at 478, 187 A.3d at 79. In *Cafaras*, the petitioner filed for post-conviction relief while in custody, but the petition was not heard until eight years after he was released. *Id.* The Supreme Court held the petitioner should not have to suffer the consequences of an alleged unlawful conviction just because the path to relief had continued long after his release of custody. *Id.* at 476, 187 A.3d at 77. Similarly, in *Kranz*, the path for relief had been exhausted and the court agreed

that there should be no need to deny a person's ultimate day in court in sound jurisprudence. *Id.* at 479, 187 A.3d at 79. Here, the court broadens the rule by holding that absent a procedural default, whenever a timely petition for post-conviction relief is filed, Maryland courts retain jurisdiction throughout the entire litigation process including appeals, regardless of whether the petitioner has been released from custody. *Id.*

The dissenting opinion argued that the custody requirement in CP § 7-101 is used in the present tense, and therefore, intended to serve as a prerequisite to be eligible for relief. *Kranz*, 459 Md. at 482, 187 A.3d at 80 (Hotten, J., dissenting). Judge Hotten argued that this wording implies that a petitioner must presently be incarcerated, or on probation or parole in order for relief to be granted. *Id.* The dissent concluded that because Kranz was neither confined under a sentence of imprisonment, or on probation or parole, the appellate courts were divested of jurisdiction. *Id.*

The Court of Appeals of Maryland concluded that so long as a petition for post-conviction relief is filed timely, the courts have jurisdiction over the petition even upon the petitioner's subsequent release from custody. In overruling *Obomighie*, this opinion takes into consideration the often exhaustive litigation process and the rights of defendants to seek relief from a possible unlawful conviction. The importance of this ruling is that it allows for justice to be served and for undeserved consequences to be resolved, even though the appeal is being heard long after a defendant has been released from custody. This opinion also provides relief for petitioners who continue to suffer from the lingering consequences of a conviction even after all their time has been served. As a result of overruling *Obomighie*, this case may lead to the question of whether there is a retroactive effect for petitions that have previously been denied solely because the petitioner was no longer in custody.